

Memorandum

To: Members, Planning and Zoning Commission

From: Mary Young, AICP, Planning and Zoning Director

Date: April 30, 2020

Re: Text Amendment #778/P&Z Appl. #20-00136 for “Special Needs Housing”

Statutory Time Lines

Application Submission Date: 2/27/20

Application Receipt Date: 2/13/20

65 Days from Date of Receipt (*when public hearing must open + 65 day extension*): 6/22/20

Public Hearing Opened (*scheduled to Open*): 5/7/20

35 Days from Hearing Commencing (*when hearing must close*): 6/11/20 + 90 day extension if needed per EO#71

65 Days from Close of Public Hearing (*when decision must be rendered*):

Summary

Have all documents been submitted as required pursuant to §42 of the Westport Zoning Regulations	Yes.
Has the application received all necessary prior approvals?	Prior approvals are not required for a text amendment to the Westport Zoning Regulations. All comments received to date are listed herein. Outstanding comments when received will be forwarded to Commissioners via email and uploaded to the Town’s website alongside the application materials.
Other comments?	<p>Members of the Planning and Zoning Commission should consider whether the text amendment is consistent with the Zoning Regulations, Zoning Map and the <i>2017 Plan of Conservation and Development</i> as required pursuant to C.G.S. §8-2, <i>Regulations</i>. The Commission should also determine if the amendment will benefit the Town, pursuant to §42 of the Westport Zoning Regulations.</p> <p>The targeted benefitted property by the author of the text amendment is 136 Riverside Avenue, but the amendment if adopted is not restricted to this property only, <i>see discussion herein</i>.</p>

Description of Application

Applicant	Richard Redniss, Redniss and Mead
Requested Action	Text Amendment approval
Purpose	<ol style="list-style-type: none"> 1. Add a definition to §5 for “Special Needs Individuals,” eligible to occupy proposed “Special Needs Housing;” 2. Modify §4-5 to exempt “Special Needs Housing” from the threshold of allowable number of Multi-Family Dwellings permitted in Westport; 3. Add “Special Needs Housing” to list of allowable uses in §13, Residence A district, subject to Special Permit approval with Special Conditions; and 4. Add special conditions, standards, and location requirements for “Special Needs Housing” subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations.
Location	<p>Proposed §32-27.1, Location, lists the criteria for properties eligible for Special Needs Housing. Property shall be:</p> <ol style="list-style-type: none"> 1. Improved with an existing building; 2. Owned by the Town of Westport; and 3. Located within the Residence A district. <p>The applicant’s analysis identified three (3) properties meet the eligibility criteria including:</p> <ol style="list-style-type: none"> 1. 136 Riverside Avenue, <i>(previously occupied and approved by P&Z for use by BOE for office space);</i> 2. 124 Compo Road North, <i>(leased to Project Return and currently house eight female residents); and</i> 3. 15 Morningside Dr. North, <i>(aka Adams Academy, Local Historic Property, building constructed in 1835, restored in 1961, and used in the 1800’s for a school for boys, equivalent to a high school).</i>

<p>2017 Plan of Conservation and Development</p>	<p>Chapter 10, (<i>Guide Residential Development</i>) states:</p> <p>§10.1 Overview-Maintain the preponderance of single-family home, increase housing diversity as to size of units and promote housing affordability;</p> <p>§10.4, Monitor Changing Housing Needs; and</p> <p>§10.5, Continue to Address Housing Needs.</p> <p>Recommendations to achieves these goals include:</p> <ul style="list-style-type: none"> • <i>“Seek ways to address changing housing needs while maintaining the character and integrity of Westport.”</i> Pg. 85 • <i>“Support and encourage the Westport Housing Authority in their efforts to provide affordable housing opportunities in ways that are compatible with the character of Westport and its neighborhoods.”</i> Pg. 85 • <i>“Consider ways of integrating affordable and workforce housing in future projects.”</i> Pg. 85 • <i>“Support and encourage non-profit organizations that help address housing needs in ways that maintain the character and integrity of Westport.”</i> Pg. 85 • <i>“Consider ways of collaborating with public and private organizations in terms of addressing housing needs.”</i> Pg. 85 • <i>Continue to address housing needs in Westport (affordable, aged, special needs, ADA).</i> Pg. 88 • <i>“Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.”</i> Pg. 88 <p>Chapter 14, Address Community Facility Needs</p> <p>§14.1, Overview</p> <p><i>“Community facilities and services contribute significantly to Westport’s community character and its quality of life. The key purpose of the Plan of Conservation and Development is to evaluate strategic long-term options and state a broad outline for physical space to meet anticipated community needs both present and future.”</i></p> <p><i>Goal: Provide for community facilities to meet the needs of Westport residents.</i> Pg. 111</p> <p>§14.3 Make Efficient Use of Existing Sites</p> <p><i>“To prepare for and facilitate possible future community facility needs consider possible regulation changes in the future (coverage, setbacks, height, etc.) to allow facility needs to be addressed on existing sites.”</i> Pg. 115</p>
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Applicable Regulations	§4-5, Maximum Allowable Multi-Family Dwellings; §5, Definitions; §13, Residence A; §32, Supplementary Use Regulations; and §42, Amendment of Zoning Regulations
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Background on Housing Opportunities in Westport

The Westport Planning and Zoning Commission, over the course of decades, has developed zoning regulations to create a variety of housing choices and opportunities while simultaneously striving to maintain the character and integrity of the Town. While detached single-family homes remain the predominant housing type in Westport, there also exists a diversity of other housing types with various location requirements, including:

1. Accessory Apartments (both Affordable and Market-Rate), located within single-family homes, see §11.2.4.12 of the Zoning Regulations;
2. Accessory Apartments (both Affordable and Market-Rate), located in detached buildings on properties occupied by single-family homes, see §32-18.9.2;
3. Planned Residential Developments, wherein (Market Rate) Multi-Family dwelling units may be located on a single 15-acre lot with frontage on the Post Road, see §15;
4. Mobile-Home Units and Mobile Home Replacement Units (both Affordable and Market Rate) may be located on a single 4-acre lot with frontage on the Post Road; see §16, MHPD;
5. Open Space Residential District, wherein single-family, Two-Family, and Multi-Family dwelling units (Market Rate) may be located on a single 50-acre lot, in a residential zone, with frontage on an Arterial Street, see §17, OSRD;
6. Apartments and condominiums (both Affordable and Market-Rate), allowing Multi-Family dwelling units on a 3-acre, privately owned property located in a residential zone that abuts a non-residential zone, and has frontage on an Arterial Street, see §19, Residential Affordable Housing Zone;
7. Apartments and condominiums (Affordable, Market-Rate, and Workforce Housing), allowing Multi-Family dwelling units on a 1-acre, privately owned property located in a residential zone that abuts or is across the street from a non-residential zone, and has frontage on an Arterial Street, see §19A, Residential Affordable Housing Zone/Workforce;
8. Apartments (both Affordable, Market-Rate), allowing Multi-Family dwelling units on a 1.5-acre, privately owned property that has a minimum of 400 feet of frontage on the north side of the Boston Post Road, is within 400 feet of the intersection of Morningside Drive and the Boston Post Road, and is within 650 feet of the intersection of Turkey Hill Road and the Boston Post Road, see §19B, Residential-Rental Housing Opportunity/Workforce Zone;

9. Municipal Housing Zone, wherein (Affordable) single-family, Two-Family, and Multi-Family dwelling units are permitted on a single lot, 4-acres in size, with frontage on an Arterial Street, owned by the Westport Housing Authority or the Town of Westport, see §20, MHZ;
10. Apartments and condominiums (both Affordable and Market-Rate), on lots located within Saugatuck Center, formerly zoned General Business District, with a minimum lot size of 40,000 SF, and 50' of street frontage; see §24A, GBD/S;
11. Apartments and condominiums (both Affordable and Market-Rate) as part of a mixed-use development located on commercially zoned lots, within Westport Center, on the north of the Post Road and east of Main Street, with 75-feet of frontage on a non-state highway local road, with 40% of its perimeter used as a municipal parking lot, see §29B, BCRR;
12. Supportive Housing, wherein Two-Family and Multi-Family dwelling units may be used as living quarters for persons at-risk of being homeless, where health and employment services are provided by the Westport Housing Authority or qualified 501(c)3 non-profit organizations, on lots twice the minimum lot size required by the underlying zone, see §32-1.
13. Affordable Single-Family and Multi-Family dwelling units for Seniors (over age 62) on property at least 1-acre in size, owned by the Westport Housing Authority, see §32-2, Senior Housing Municipal;
14. Group Homes for Seniors, wherein living quarters are provided for up to six (6) unrelated Seniors (over age 62) within a single-family home; see §32-11;
15. Apartments and condominiums (both Affordable and Market-Rate), both Two-Family and Multi-Family dwelling units, on non-residentially zoned properties, see §32-12, Inclusionary Two-Family and Multi-Family Dwellings;
16. Apartments and condominiums (both Affordable and Market-Rate) as part of a Single-Use Development on split-zoned lots located in both the General Business District and Residence A District when an existing non-conforming septic tank manufacturing company with associated contractor's yard will be abandoned by a proposed Multi-Family use, see §32-12.2.3 Permitted Uses;
17. Group Homes for Youth; wherein living quarters are provided for up to eight (8) unrelated persons under the age of 19, within a single-family home, and is regulated by the State of Connecticut Dept. of Children and Youth Services (DCYS); see §32-13;
18. Residential Facility for School Based Education, wherein living quarters are provided for up to eight (8) unrelated high-school-aged persons, within a single-family home, under the supervision of a non-profit organization chartered by the State of Connecticut for educational purposes, who will attend the local high school, see §32-13A;
19. Apartments and condominiums (both Affordable and Market-Rate), both Two-Family and Multi-Family dwelling units, in buildings formerly occupied by a public school, see §32-14, Conversion of School Buildings to Housing;

20. Managed Residential Communities, Multi-Family dwelling units (both Affordable and Market Rate) for Seniors (persons over Age 62), wherein services are provided, allowed in both residential and non-residential zones, on lots at least 6-acres in size and non-residential districts at least 2-acres in size, see §32-15;
21. Small Home Developments, wherein Single-Family, Two-Family, and Multi-Family dwelling units (Market Rate) may be located on a single 1.5-acre lot in the Res A district with frontage on an Arterial street, wherein at least 60% of the units are owned or occupied by persons over age 55, see §32-24;
22. Apartments and condominiums (both Affordable and Market-Rate), both Two-Family and Multi-Family dwelling units, on properties that must be both residentially and non-residentially zoned, see §39A, Inclusionary Housing Zone Overlay District (IHZ); and
23. Senior Housing including Assisted Living, Full Care and Independent Living Facilities (as defined in §5-2), collectively referred to as (ALFCIL); on lots wholly located within Westport and a minimum of 2-acres in size, see §39A-3, Permitted Uses in the IHZ.

Additional zoning regulations providing housing opportunities were adopted, but no developments have resulted using these regulations to date, including:

1. Redevelopment and/or adaptive re-use of existing non-residential buildings on Riverside Avenue into larger size Multi-Family dwelling units (Affordable and Market Rate), on lots located in both a residential and non-residential zoning district, on lots over 2-acres in size, see §18, Res C;
2. Senior Residential Communities, wherein Independent Living Facilities (both Affordable and Market Rate), Assisted Living Facilities, and Full Care Living Facilities for Seniors (over age 62), may be developed on Town-owned property located on 4-acre residentially zoned lots, and 2-acre non-residentially zone lots, with frontage on an Arterial Street, see §32-15A;
3. Age-Restricted Housing; allows for (Affordable and Market Rate) Multi-Family dwelling units and Continuing Care Retirement Communities for Seniors (over age 62) on private property located on 3-acre residentially zoned lots, and 2-acre non-residentially zoned lots, with frontage on an Arterial or Collector street, see §32-15B;
4. Affordable and Middle-Income Housing, wherein single family, Two-Family, and Multi-Family dwelling units are allowed on property owned by the Town of Westport, see §32-17.

Outstanding Needs

The extensive list of housing opportunities referenced above does NOT include any dedicated provision for Special Needs Individuals as proposed herein, enabling a group-home environment containing multiple rooms for multiple individuals, with each room defined as a Dwelling Unit (requiring a Kitchen), that yields moratorium points offering affordable housing options recognized by the State of CT Department of Housing.

Proposal/Analysis

Text Amendment #778 revised 4/27/20 see attached, submitted by Rick Redniss proposes to:

1. Add a definition to §5 for “Special Needs Individuals,” eligible to occupy proposed “Special Needs Housing;”
2. Modify §4-5 to exempt “Special Needs Housing” from the threshold of allowable number of Multi-Family Dwellings permitted in Westport;
3. Add “Special Needs Housing” to list of allowable uses in §13, Residence A district, subject to Special Permit approval with Special Conditions; and
4. Adds special conditions, standards, and location requirements for “Special Needs Housing” subject to Special Permit/Site Plan approval by the Planning and Zoning Commission to §32, Supplementary Use Regulations. The special conditions, standards, and requirements for Special Needs Housing include:
 - A. Location: An eligible property must be Town-owned, contain an existing building (may not be vacant), and must be in the Residence A district;
 - B. Oversight: Must be operated by a qualified 501(c)3 non-profit organization specializing in providing special needs services in residential settings;
 - C. Density: No more than six (6) Dwelling units per building are allowed;
 - D. Parking: One (1) parking space for each Dwelling unit is required;
 - E. Total Coverage/Building Height Relief: Allows modifications needed to bring an existing building into conformance with Building Code requirements for ADA compliance without a variance, provided the modifications do not exceed existing Total Coverage and Building Height, *see discussion below*; and
 - F. Landscaping Relief: Parking Area Landscaping Requirements listed in §35-2.3 are waived (1 Tree for each 10 parking spaces), *see discussion below*.

Total Coverage/Building Height Relief

§32-27.3.1 proposes:

“Building Stories, Building Height, and Total Coverage shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.”

Staff recommends if the amendment is adopted this section be modified to add language qualifying under what circumstances existing Building Height and Coverage may increase, consistent with the applicant’s intent that does not appear to be expressed. The text should be modified to state:

“Modifications and/or additions needed affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.”

Landscaping Relief

§32-27.3.2 proposes:

“Existing parking areas do not need to meet the requirements of §35-2.3.”

Special Needs Housing is proposed as a use subject to Special Permit approval; therefore all the landscaping requirement listed in §35 must be met. It may be appropriate in this case to approve the amendment as proposed and make an exception for adherence to parking lot landscaping standards for Special Needs Housing which is not dissimilar to a single-family home that likewise has no special landscaping requirements, especially as the proposed use is only allowed on Town-owned property where such landscaping requirements are not currently being met.

Benefits Associated with the Amendment

A Text Amendment by definition is not site specific. Mr. Redniss offers in his attached cover letter dated 4/27/20 and Explanatory Statement dated 4/27/20, the intent behind the amendment has multiple components, including:

1. To fill a gap in the list of housing opportunities provided for in the Westport Zoning Regulations;
2. To provide for affordable housing for persons whose incomes do not exceed 60% of the State Median Income (thereby potentially increasing moratorium points earned);
3. To provide Special Needs Housing in the existing building located on Town-owned property in the Residence A district at 136 Riverside Avenue currently available for lease (and if pursued), subject to future CGS §8-24, Municipal Improvement review by the Planning and Zoning Commission); and
4. To provide Special Needs Housing by leasing 136 Riverside Avenue as a means to supply off-site affordable housing for a Multi-Family Dwelling development proposed as part of a Special Permit/Site Plan application at 41 Richmondville Avenue that is also dependent upon approval of Text Amendment #777; both scheduled for review by the Commission later in May 2020.

Both the applicant and this member of the P&Z Staff see value in adopting regulations for Special Needs Housing whether or not it is used to address the off-site affordable housing requirement for 41 Richmondville Avenue, as hopefully such a regulation will eventually be used by another developer and/or non-profit organization. The information is supplied to the Commission only for purposes of transparency. Text Amendment #778 is a “stand-alone” application and is NOT contingent upon future approval of either 41 Richmondville Avenue or Text Amendment #777.

Eligible Properties for Special Needs Housing

Three (3) properties are eligible for Special Needs Housing as proposed as all are Town-owned, contain existing buildings that may be used for future occupancy by Special Needs Individuals, and are located in the Residence A district including:

1. 136 Riverside Avenue, *(previously occupied and approved by P&Z for use by BOE for office space);*
2. 124 Compo Road North, *(leased to Project Return to house eight female residents); and*
3. 15 Morningside Dr. North, *(aka Adams Academy, Local Historic Property, building constructed in 1835, restored in 1961, and used in the 1800's for a school for boys, equivalent to a high school).*

The targeted benefitted property is 136 Riverside Avenue. The applicant is in discussions with Helen Garten, the Town of Westport's Real Property Committee Chair, to seek all necessary approvals for a long-term lease of this building, including making all necessary building renovations for future occupancy by Special Needs Individuals. Ms. Garten will be available at the May 7, 2020 P&Z Meeting to respond to questions.

A prior proposal to sell 136 Riverside Avenue obtained a unanimous Positive §8-24 Report from the Planning and Zoning Commission in 2018 (see attached Report), when a local developer, David Waldman, sought to purchase the property and use the building for a Group Home for special needs adults with developmental impairments and potentially address an affordable housing requirement associated with his development approval at 54 Wilton Road by supplying off-site affordable housing.

136 Riverside Avenue is distinct from the other two properties eligible for Special Needs Housing, as it is current served by the public sewer. There is no sewer available to serve either 15 Morningside Drive North or 124 Compo Road North according to Bryan Thompson, WPCF Collection System Supervisor for the Town of Westport.

Both the Westport Weston Health District Director and Conservation Director who offered comments contained herein, expressed reservations about potentially intensifying use of Town-owned buildings currently connected to septic systems. The Commission may want to consider modifying the amendment if adopted to limit the use of buildings for Special Needs Housing only if connected to the public sewer.

§4-5, Maximum Allowable Multi-Family Dwellings

The amendment proposes to modify §4-5 by adding language exempting Special Needs Housing from §4-5 that requires the total number of Multi-Family dwelling units shall not exceed 10% of the total number of single family dwelling units within the Town as reported in the most recent official U.S. Census. The limit imposed by §4-5 has not yet been exceeded, but the Town is growing closer to exceeding the cap. Staff calculates 86 more Multi-Family Dwellings are allowed before the threshold or cap is reached, see memorandum, "Maximum Allowable Multi-Family Dwelling Units under §4-5," prepared by Michelle Perillie, revised 4/17/20, available in the file and posted on the Town's website in a collection of memorandums titled, "Westport's Affordable Housing Regulations and Projects," prepared by Michelle Perillie, revised April 16, 2020.

The 2018 American Community Survey of the US Census reported that there are 9,289 single-family, detached dwelling units in Westport. Therefore 929 multi-family units are now allowed per §4-5. Planning and Zoning staff calculates to date there are 1,187 Multi-Family dwelling units approved by the Planning and Zoning Commission (not all are constructed). 344 of the 1,187 approved units are already exempt from §4-5 based upon adopted amendments to this section that excludes affordable and other related types of dwelling units, leaving a remainder of 843 Multi-Family units counted against the cap. (929-843) or 86 more Multi-Family Dwellings are allowed before the cap is reached based.

The Planning and Zoning Commission recently exempted those Multi-Family dwelling units approved under the Age-Restricted zoning regulations in deference to the fact that senior housing is desirable in Town and should not be inhibited by the restrictions of §4-5. Therefore, the Commission may find the same rationale supports the proposal intended to fill a housing gap and exempt desired housing.

Considerations

The Planning and Zoning Commission acting in their legislative capacity has the authority to adopt, deny, or modify the amendment. The Commission may approve changes to one section without obligation to also approve another section. If the Planning and Zoning Commission adopts the amendment an effective date must be established.

Planning and Zoning staff offered two modifications herein for consideration:

1. In §32-27.3.1, substitute the following to qualify under what circumstances existing Building Height and Coverage may increase, consistent with the applicant's intent that does not appear to be expressed.

"Modifications and/or additions needed affecting Building Height and/or Total Coverage necessary to bring an existing building into conformance with Building Code requirements for ADA compliance are allowed and shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater."

2. In §32-27.1, Location, add language limiting Special Needs Housing to properties connected to the public sewer:

"Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property, and connected to the public sewer."

Prior to rendering a decision on the amendment the Commission should consider the requirements for reviewing a text amendment listed in the Westport Zoning Regulations and the Connecticut General Statutes. §42-3.3 of the Zoning Regulations describes the process for submission of a text amendment. Words to be deleted shall be bracketed and stricken out and additions shall be underlined. The application as submitted conforms to this requirement. §42-3.5 requires submission of an Explanatory Statement explaining the need for the amendment and identifying any benefits to the Town. The benefits may be summarized as proving additional options within the regulatory framework of the Zoning Regulations to help to address an unmet need to supply housing including independent kitchens for Special Needs individuals alongside adding to the inventory of opportunities for additional below-market rate housing.

C.G.S. §8-2, *Regulations*, requires consideration by the Planning and Zoning Commission that regulations shall be made in accordance with a comprehensive plan (Zoning Regulations and Zoning Map) and in adopting such regulations the Commission shall consider the Plan of Conservation and Development. The amendment appears to be consistent with the comprehensive plan and goals listed in the 2017 *Plan of Conservation and Development*, in particular:

"Continue to address housing needs in Westport (affordable, aged, special needs, ADA)."

Pg. 88

Department Comments

Building Official:	<i>"No comments." 4/29/20</i>
Conservation Director:	<p><i>"The Conservation Department echoes the comments submitted by our Health District Director regarding septic capability. In addition, there are wetlands located on the properties at 15 Morningside Dr. North and 124 Compo Rd North so this factor would have to be taken into consideration if and when these structures were renovated to increase bedroom count. A permit for any site work or building additions would be required from our office.</i></p> <p><i>In addition, we offer the following general comments for your consideration:</i></p> <ol style="list-style-type: none"> <i>1. The properties listed seem to all be over 50 years of age and perhaps qualify as historic. We did not see mentioned in the proposed text specified repurposing of existing structures rather than the demolition and reconstruction of a new structure. It may be implied that the existing structure will remain but perhaps language specifying that should be added.</i> <i>2. 32-27 & 32-2.1: There are three potential town properties listed that this text change could be applied. This is not meant to be an exhaustive list, correct? For instance, what about one of the cabins at Longshore? Could the change apply there, too?</i> <i>3. 32-27.3: Parking requirements are limited to one space per residence which appears to be sufficient. We would just suggest that the language be changed to say that special needs individuals are not likely to drive rather than saying they do not drive."</i> <p><i>4/28/20</i></p>
DEEP:	<i>"Thank you for notifying this office of the revised proposed zoning text amendments noted above. Acting as the Commissioner's staff, our office has reviewed the amendments for consistency with the policies and standards of the Connecticut Coastal Management Act (CCMA), and we find them consistent with the CCMA." 2/21/20</i>
Fire Chief:	Referral sent

Human Services Director:	Referral sent. Human Services Commission meeting scheduled to review the application on 4/30/20.
Parks & Rec. Director:	<i>"No comments." 4/29/20</i>
Police Dept.:	<i>"We have no public safety concerns with this application." 4/28/20</i>
Public Works Director:	<i>"Public works has no comment on the proposed amendment." 2/13/20</i>
Town Attorney's Office:	Referral sent
WWHD Director:	<p><i>"There is a need state wide for Special Needs Housing and the Health District supports efforts to increase its availability. The Health District's concern involves the availability of a safe and sufficient potable water supply and the proper disposal of all waste water.</i></p> <p><i>For properties connected to the municipal sewage collection and treatment system (public sewer), such as 136 Riverside Ave, the Health District has no issues or objections. For properties not connected and have no access to the municipal sewer system (my understanding of 124 Compo Road North and 15 Morning Side Drive North), but must rely on the long term sustainability of on-site subsurface waste water disposal systems (septic systems), a cautious approach is urged. Any proposal to place Special Needs Housing on properties relying on septic systems must be reviewed carefully with a clear understanding of what the maximum daily wastewater flow would be, and each particular sites soil's ability to absorb, renovate and disperse said wastewater. A comprehensive site evaluation would need to be completed for each non-sewered property before a definitive conclusion could be reached in determining whether a particular parcel of property could support the proposed use." 4/28/20</i></p>
MetroCOG:	<p><i>"We believe that these amendments are aligned with the expectations and goals described within Westport's Plan of Conservation and Development to continue to increase the wide variety of housing types within town; in addition to producing a diverse housing stock for affordable and workforce housing options within the municipality. This amendment will continue to address housing needs for special needs individuals allowing them equitable, safe, and affordable housing options within the town of Westport.</i></p> <p><i>Based on our review of the proposed amendments we have determined that the new and modified language pertaining to Sections §4-5, §5, and §32-27 within the Town's Zoning Regulations are not regionally significant."</i></p> <p style="text-align: right;">3/19/20</p>

WestCOG:	<i>"The proposal of local interest and with minimal inter-municipal impact."</i> 2/13/20
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Attached

Cover Letter from Rick Redniss, dated 4/27/20

Text Change prepared by Redniss & Mead, Revised 4/27/20

Explanatory Statement prepared by Redniss & Mead, Revised 4/27/20

Positive §8-24 Report for 136 Riverside Ave., issued 3-1-18

April 27, 2020

Planning and Zoning Commission
c/o Mary Young, AICP, Director of Planning & Zoning
Town of Westport
110 Myrtle Ave, Room 203
Westport CT 06880

RE: Proposed Text Change #778 (Special Needs)
Revised Text Change and Explanatory Statement

Dear Ms. Young,

As discussed, attached please find the revised simplified Text Change and Explanatory Statement.

Group homes for up to six special need adults are currently allowed by right in single family zones however not as separate units with kitchens. The proposed text would allow the same basic use with kitchenettes.

We have identified three Town owned buildings that in theory could take advantage of this regulation: 136 Riverside Ave (former BOE use), 124 Compo Road North (Project Return House), and 15 Morningside Drive North (former Adams Academy).

The developers of 41 Richmondville are the sponsors of this effort and hope that it will satisfy the affordability requirement for their pending PZC applications for that site. This text is the first step. Next would be to complete the application for 41 Richmondville. After that we can proceed with the various approvals necessary to complete the 8-24, lease, Special Permit, etc., for 136 Riverside Avenue as Special Needs Housing.

Should this #778 text be approved and 41 Richmondville developers not complete the transaction, the text would remain a future opportunity to meet important Town goals. We look forward to continuing our collective efforts to make this exciting opportunity a reality.

Sincerely,



Richard W. Redniss, AICP

Enclosures (via email)

cc: 41 Richmondville Team
Helen Garten, Selectman's Real Property Committee
Elaine Daignault, Human Services Department
Interested Parties

Note:

- Proposed new language is shown underlined. Language to be removed is shown [~~in brackets~~].

Proposed Text Change

TO AMEND

- §4-5 Maximum Allowable Multi-Family Dwellings, by amending standard #2;
- §5 “DEFINITIONS”, by adding a new “Special Needs Housing” definitions;
- §13 Residence A District, by adding “Special Needs Housing” under Special Permit Uses Subject to Special Conditions;
- §32 “Supplementary Use Regulations”, by adding NEW §32-27 “Special Needs Housing”

§4-5 Maximum Allowable Multi-Family Dwellings

2. The first two-hundred (200) multi-family units approved under §32-15B, Age-Restricted Housing, per §32-15B.18, Special Needs Housing per §32-27, Exemptions and/or dwelling units under §39A-3, Inclusionary Housing Overlay District, Designation/Uses Permitted, ALFCIL Facilities.

§5 DEFINITIONS

Special Needs Individuals:

Persons that are blind, physically disabled, and/or have intellectual disabilities pursuant to Sections 1-1f and/or 1-1g of the Connecticut General Statutes

§13 RESIDENCE A DISTRICT

...

13-2.1 Special Permit Uses Subject to Special Conditions

The following additional uses ~~[is]~~ are permitted subject to the conditions provided for in §32 and Special Permit & Site Plan approval in accordance with §43, herein.

13-2.1.1

Small Home Developments

13-2.1.2

Special Needs Housing

32-27 Special Needs Housing

Housing for Special Needs Individuals is important to meet the Westport Plan of Conservation Development goals to allow qualified 501(c)3 non-profit organizations specializing in providing special needs services in residential settings to help address housing needs that maintain the character and integrity of Westport. Such housing enables persons with special needs to live in Westport and contribute to the community through employment and other opportunities. Special Needs Housing encourages the adaptive reuse of existing town owned buildings and shall require a Special Permit and Site Plan Approval.

32-27.1 Location

Special Needs Housing shall be located within an existing building in the Residence A District on Town owned property.

32-27.2 Density

The maximum allowable density shall not exceed six (6) units per building.

32-27.3 Special Standards

32-27.3.1 Height and Coverage

Building Stories, Building Height, and Total Coverage shall not exceed the existing amount at the time of application or the standards of the underlying zone, whichever is greater.

32-27.3.2 Landscaping, Screening and Buffer Areas

Existing parking areas do not need to meet the requirements of Section 35-2.3.

32-27.3.3 Parking

The minimum parking requirement for Special Needs Housing shall be one (1) space per residence.

32-27.4 Affordability Requirement

All proposed units shall be affordable to households whose income does not exceed 60% of the State Median Income as provided by CT General Statutes §8-30g, and an affordability plan shall be required prior to the issuance of a Zoning Certificate of Compliance.

Explanatory Statement

**Special Needs Text Change
Proposed Text Change to Amend
§4-5, §5, §13-2.1, & §32**

Purpose/Benefits

The purpose of this application is to marry together multiple Town of Westport goals. Two years ago, the Planning and Zoning Commission unanimously voted to send a positive §8-24 Report on the sale of 136 Riverside Avenue to be used to house up to six special needs adults (records in the PZC office). This would have enabled the town to sell the no longer needed vacant building, see the historic building renovated and preserved, receive capital funds, and alleviate operating costs. It also would have served to meet the housing needs for special needs adults. What it likely would not have done was generate any moratorium points. The income and rent calculation for a group home aggregates the income and rent paid by all residents (up to six) and treats that as a total for a single household. That likely would have exceeded the State Median Income (SMI) limits stipulated in the Connecticut General Statutes §8-30g.

This Text Change simply allows for the same existing Town owned building to house the same, up to six, adult Special Needs Individuals with private kitchenets and bathrooms. Thus, each unit is calculated on the income of one (or perhaps 2) persons which is likely to be well below the minimum 80% SMI standard. According to industry experts, most of these adults' income will be less than 40% SMI. However, in order to be able to accommodate up to 6 adults, there may be one or two units that have two adults sharing the space. Therefore, we have set the affordability level at 60% SMI. In addition to the moratoria points, this is superior housing for the adults as they learn and help each other with independent living skills.

To help address the need for Special Needs Housing as a diverse housing option, we are proposing to amend:

- §4-5 by adding language to exempt (new) §32-27 from the Maximum Allowable Multi-Family Dwellings;
- §5 by adding a new definition for Special Needs Individuals;
- §13 Residence A District, by adding "Special Needs Housing" under Special Permit Uses Subject to Special Conditions; and
- §32 by adding a new section and standards for Special Needs Housing.

With the implementation of this text change, applicants will have an opportunity to adaptively reuse a Town owned building in the Residence A District as housing for Special Needs Individuals.

The changes serve to address several goals and strategies highlighted in the Westport Plan of Conservation and Development, including:

1. 10.1 Overview ("Westport's wide variety of housing types from modest homes and historic structures to grand manor homes is one of its strongest features."), p. 79.
2. 10.4. Monitor Changing Housing Needs, p.85
 - Seek ways to address changing housing needs while maintaining the character and integrity of Westport.
 - Consider ways of integrating affordable and workforce housing in future projects.
 - Support and encourage non-profit organizations that help address housing needs in ways that maintain the character and integrity of Westport.
3. 10.5. Continue to Address Housing Needs, p. 88
 - Continue to address housing needs in Westport (affordable, aged, special needs, ADA).
 - Seek to address affordable housing in ways that are appropriate for the community rather than dictated by private developers.

Summary of Proposed Text Changes

§4-5 Maximum Allowable Multi-Family Dwellings

To encourage and enable Special Needs Housing, the proposed section (§32-27) is added to the exemption eligibility listed in §4-5-2. This would permit such housing, all of which is required to be Below Market Rate (as defined in pending regulation changes).

§5 Definitions

To enable regulations serving those with special needs, a definition is created to outline the parameters of a special needs individuals pursuant to Chapter 1, Sections 1-1f and/or 1-1g of the Connecticut General Statutes (i.e. persons that are blind and/or physically or intellectually disabled).

§13-2 Residence A

To allow Special Needs Housing within the Residence A district subject to applications for Special Permit and Site Plan approval.

§32-27 Special Needs Housing

§32-27 & 32-27.1

These sections outline the purpose and permitted locations for qualified 501c3 nonprofit organizations to provide special needs services in residential settings. Such opportunities are proposed to be limited to Town owned land within the Residence A District. This will limit the applicability of the regulation and allow for an identified opportunity at 136 Riverside Avenue as a demonstration site, which has previously been approved by the Planning and Zoning Commission via Section §8-24 Report (March 1, 2018). Other potential properties include 15 Morningside Drive North (former Adams Academy) and 124 Compo Road North (Project Return).

§32-27.2

The proposed density is limited to 6 units in any single building consistent with Connecticut General Statutes §8-3e which already allows 6 Special Needs Individuals in any single-family residence. The only difference is that individuals will have a small kitchenette and private bathroom in their “unit”.

§32-27.3

To provide flexibility in the renovation and/or alterations that may be required for a special needs adaptive reuse of property that may or may not conform to existing zoning standards, building height/stories and total coverage may be the greater of either the existing condition or the amount permitted by the underlying zone. Such flexibility can be a particularly critical element for Special Needs Individuals.

Similarly, where existing properties may not meet the Special Permit standards for landscaping of parking areas and buffers, existing conditions may remain in place. This allows the existing driveway and parking shared amongst the school, recreational uses and 136 to remain in place.

Lastly, as Special Needs Individuals do not drive, the proposed 1 parking space per residence standard is sufficient to provide for staffing and visitors.

§32-27.4

All Special Needs Housing is required to be affordable to households whose income does not exceed 60% of the State Median Income, and to provide an affordability plan.



WESTPORT CONNECTICUT

PLANNING & ZONING
TOWN HALL, 110 MYRTLE AVENUE
WESTPORT, CONNECTICUT 06880
(203) 341-1030 • (203) 341-1079
(203) 454-6145 - fax

Public Meeting: March 1, 2018
Decision: March 1, 2018

Honorable James Marpe, First Selectman
110 Myrtle Avenue
Westport, CT 06880

Re: §8-24 Report regarding sale of property located at 136 Riverside Avenue

Dear Mr. Marpe:

FINDINGS

1. The First Selectman is seeking a report from the Planning and Zoning Commission regarding the sale of Town owned property located at 136 Riverside Avenue pursuant to §8-24 of the Connecticut General Statutes.
2. The property is 0.55 acres in size, located in the Res A (1/2-acre) zoning district, within the State of Connecticut's Coastal Area Management (CAM) boundary, and is connected to the public sewer.
3. 136 Riverside Avenue is part of the Town-owned property known as 170 Riverside Avenue (aka 125 Post Road West) resulting from the 2001 consolidation of surrounding Town-owned properties shown on Map #9473 filed on the Land Records.
4. The property is improved with a 2-story house listed on the Historic Resources Inventory (HRI) as Queen-Anne style and known as the John Croker house constructed circa 1882. The Tax Card identifies the house is 2,856 SF in size. There is a curb cut that straddles 136 and 170 Riverside Avenue providing access to the street. There are eighteen parking spaces on site.
5. The First Selectman's Request identifies:
 - The property was acquired in 2000 and was used by the Westport Public Schools, most recently by the Technology Department, until 2017;
 - During the 2017-2018 budget cycle, the Superintendent of Schools announced her intention to relocate the technology department, thereby saving utility and maintenance costs, and give the property back to the Town.
 - The Board of Finance in turn recommended the property be sold so the proceeds could offset anticipated reductions in state funding.
 - Alternative Town uses were explored before deciding to sell the property.
 - The Town requested bids from potential buyers. The draft sale terms require access easements for the Town for egress over 136 Riverside Avenue and Local Historic Property designation for the building.

- The highest offer received was \$615,000 from David Adam Realty. The buyer's intention is to convert the house into a group home for up to six special needs adults (aged 21 and up) with developmental (but not physical) impairments. The residents do not drive. The residents will live in a group setting with a trained adult professional who will offer support and supervision. Each resident will have his or her own room but will share kitchen and common spaces.
 - The buyer intends to deed restrict the property as affordable housing.
6. The proposed future use of the property for a Community Residence is allowed as-of-right and requires no additional zoning approvals.
 7. No objections to the sale were received from Town Departments based upon referrals sent.
 8. The Superintendent of Schools offered her support in comments dated 2/22/18.
 9. The Fire Marshal submitted comments dated 2/22/18 advising:
"The intended use of the property as a "Special Needs" facility for young adults will require extensive interior renovation, including the installation of a full fire sprinkler system, fire-rated stair enclosures, and compliant exiting. The purchaser is advised to research the fire and building code requirements applicable to their proposed use so they understand its planning and financial implications."
 10. The Parks and Recreation Director submitted comments dated 2/22/18 advising:
"Vehicular access to the fields, tennis courts, etc. must be maintained so that parks vehicles, as well as emergency vehicles such as ambulances, have access to these locations for emergencies as well as routine maintenance."
 11. A report prepared by Planning and Zoning staff dated 2/22/18 identifies sale of the property will trigger the need for additional zoning reviews including:
 - A. The Zoning Board of Appeals will need to modify their prior approval granted pursuant to Case #5856 as the prior coverage variances were based on calculations for the consolidated lot known as 136 and 170 Riverside Avenue.
 - B. The Planning and Zoning Commission will need to approve a 2-lot subdivision to "undue" the consolidation of 136 Riverside Avenue from 170 Riverside Avenue.
 12. The Planning and Zoning Commission held a meeting to receive public testimony

After discussion, it was moved by Ms. Walsh and seconded by Ms. Dobin to issue a **POSITIVE REPORT** to the First Selectman regarding **136 Riverside Avenue**: §8-24 Request for a report from the Planning and Zoning Commission regarding the sale of Town-owned property located in the Residence A zone, PID #C08033000 for the following reasons and with the following recommendations:

REASONS

1. The project is consistent with recommendations found in Chapters 4 and 14 of the *2017 Plan of Conservation and Development* that:
 - A. Supports protection of historic buildings and sites that will be afforded by the sale's terms requirement for Local Historic Property designation of the building; and
 - B. Supports municipal use of property adjacent to existing Town-owned properties that will result from sale term's requirement providing Town access over the property.

2. The project is consistent with CAM policies for minimizing adverse impacts upon the adjacent coastal systems and resources as no physical improvements are associated with the request to sell the property.
3. The property is no longer needed for municipal use based upon comments received from Town Departments and the Superintendent of Schools.
4. Disposition of the property will avoid future maintenance costs to be borne by taxpayers.
5. The building listed on the Historic Resources Inventory, but currently in need of repairs, will be restored by the buyer who will also seek Local Historic Property designation.
6. The buyer intends to deed restrict the building as affordable housing as defined in C.G.S. 8-30g.

RECOMMENDATIONS

1. Approvals should be obtained from the Board of Finance and Board of Selectman for sale of the property.
2. Approvals should be obtained from all appropriate Town bodies to subdivide the property and clarify the allowable coverage for both 136 and 170 Riverside Avenue based upon this subdivision so as to undue the consolidation shown on WLR Map 9473. An updated property survey will be required.
3. The Town Attorney's Office should prepare easement documents to ensure access is retained as proposed by the First Selectman and as recommended by the Parks and Recreation Director.
4. The buyer should review all applicable building and fire code requirements for the Community Residence as recommended by the Fire Marshal.
5. The terms of sale should require the buyer to:
 - A. Perform background checks on contractors as offered by David Waldman, representing the proposed buyer;
 - B. Granting of the right of first refusal to the Town of Westport as agreed to by David Waldman representing the proposed buyer; and
 - C. Coordinate any future construction with the Board of Education and Saugatuck Elementary School as agreed to by David Waldman representing the proposed buyer.

VOTE:

Ayes	-7-	{Lebowitz, Dobin, Stephens, Walsh, Cammeyer, Gratrix, Rutstein}
Nays	-0-	
Abstentions	-0-	

Very truly yours,


Paul Lebowitz, Chair
Planning & Zoning Commission

cc: RTM Moderator
Chairman, P&Z Committee
Chairman, Board of Finance
Finance Director
Public Works Director
Parks & Recreation Director
Conservation Director
Fire Chief
Fire Marshal
Police Chief
Tree Warden
Town Attorney
David Adam Realty